

## **NYS Community Gardens Task Force Meeting Minutes**

Monday August 8, 2022

1:00 PM - 4:00 PM

10B Airline Dr. Albany NY 12235 and Virtual via WebEx

[FRIDAY OCTOBER 14, 2022, THE NYS COMMUNITY GARDENS TASK FORCE REVIEWED THE PROPOSED MINUTES. CHRIS ANDERSON, NEW YORK ASSOCIATION OF TOWNS, MADE A MOTION TO ADOPT THESE MINUTES. YOLANDA BOSTIC WILLIAMS, NYS OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION SECONDED. THE COMMUNITY GARDENS TASK FORCE APPROVED THE RESOLUTION IN A VOTE OF 13 YEAS, 0 NAYS, AND 3 ABSTAINS. THIS DOCUMENT IS MADE AVAILABLE TO THE PUBLIC PURSUANT TO OPEN MEETINGS LAW §103(e)]

1. The NYS Community Gardens Task Force Meeting was called to order by the Chair, Commissioner Richard A. Ball, *NYS Department of Agriculture and Markets*
2. Introductions of Task Force Members  
Deputy Commissioner, Nicole Leblond, *NYS Department of Agriculture and Markets*

### **Community Gardens Task Force Members (In-Person)**

- Commissioner Richard Ball, *NYS Department of Agriculture and Markets (CHAIR)*
- Lewis Clarke, *NYS Department of Health*
- Peter Dunlevy, *NYS Department of Transportation*
- Mark Bordeau, *Rural Health Network*
- Melissa MacKinnon, *Schenectady Urban Farms*

### **Task Force Members (Virtual)**

- Yolanda Bostic Williams, *NYS Office of Parks, Recreation and Historic Preservation*
- Alex LaMonte, *NYS Association of Counties*
- Robert Marsh, *NYS Department of Environmental Conservation*
- Chris Anderson, *New York Association of Towns*
- Evan Burr, *New York City Office of Urban Agriculture*
- Aziz Dehkan, *New York City Community Garden Coalition*
- Yolanda Gonzalez, *Cornell Cooperative Extension: NYC*
- Iyeshima Harris, *East New York Farms*
- Mark Izeman, *Natural Resource Defense Council*
- Virginia Kasinki, *Downing Park Urban Farm/ Newburgh Urban Farm and Food Initiative*
- Jeanette Koncikowski, *Grassroot Gardens of Western New York*
- Gerard Lordahl, *Grow NYC*
- Carlos Martinez, *NYC Parks GreenThumb*
- Shannon Morris, *Edible Schoolyard*
- Gabrielle Mosquera, *MPA, Teens for Food Justice*
- Jonnell Robinson, *Syracuse Grows*
- Gregory Sandor, *Cornell Cooperative Extension: Nassau*
- Pamela Reese Smith, *Community Gardens for Rochester*
- Jake Tibbles, *Thousand Island Land Trust*

**Advisory Members (Virtual)**

- Brian Steinmuller, *NYS Soil and Water Conservation Committee*
- Bob Schindelbeck, *Cornell Soil Health Laboratory*

**NYS Agriculture and Markets Staff**

- Deputy Commissioner Nicole Leblond
- Kelly Young, Director, Agricultural Development
- Katie Howard, Esq., Counsel's Office
- Annette Nielsen, Team Lead, Agricultural Development
- Courtney Bailey, Program Manager, Agricultural Development
- Taylor Goodell, Food Policy and Outreach Coordinator, AmeriCorps VISTA

3. Open Meetings Law\*

Katie Howard, Counsel's Office, *NYS Department of Agriculture and Markets*

Katie Howard presented a review of the Open Meetings Law and outlined the Extraordinary Circumstances provision.

\*Please take note that this task force is subject to Open Meetings Law as outlined in Article 7 of the New York Public Officers Law. Due to ongoing COVID-19 state declared disaster emergency and the continuation of [Executive Order 11.8](#), Chapter 1 of the Laws of 2022 authorizes members to participate in this meeting in person or remotely via WebEx.

4. Resolution read by Nicole Leblond

**Community Gardens Task Force**

**Resolution No.   1**

**WHEREAS**, by passing Chapter 56 of the Laws of 2022 ("Chapter 56"), the New York State Legislature amended Section 103 of the Open Meetings Law; and

**WHEREAS**, Chapter 56 adds Section 103-a of the Open Meetings Law, permitting the Community Gardens Task Force to authorize its members to attend meetings by videoconferencing under extraordinary circumstances; and

**WHEREAS**, Section 103-a(2)(a) requires the Community Gardens Task Force to adopt a resolution following a public hearing authorizing the limited use of videoconferencing under such circumstances; and

**WHEREAS**, Section 103-a(2) allows for hybrid meetings by requiring "that a minimum number of members are present to fulfill the public body's quorum requirement in the same physical location or locations where the public can attend"; and

**WHEREAS**, Section 103-a(2)(c) requires that members be physically present at any such meeting "unless such member is unable to be physically present at any such meeting location due to extraordinary

circumstances . . . including disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting"; and

**WHEREAS**, in accordance with Section 103-a(2)(d), any members attending by videoconference must, except during executive session, be "heard, seen and identified, while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon"; and

**WHEREAS**, Section 103-a(2)(g) requires that any meeting where a member attends by videoconference be recorded, posted to the Community Gardens Task Force webpage within five business days, and transcribed upon request; and

**WHEREAS**, Section 103-a(2)(h) requires that members of the public be permitted to attend and participate, if authorized, in any meeting by videoconference when a member attends by videoconference.

**BE IT RESOLVED**, that the Community Gardens Task Force authorizes its members who experience an extraordinary circumstance, as described above and further defined by any rules or written procedures later adopted, to attend meetings by videoconference: (i) as long as a quorum of the members attend in-person at one or more locations open to the public; (ii) as long as the member can be seen, heard, and identified while the open portion of the meeting is being conducted; and (iii) as otherwise permitted under Chapter 56 of the Laws of 2022; and be it further

**RESOLVED**, that the Community Gardens Task Force shall create written procedures further governing its use of videoconferencing by its members in compliance with Chapter 56 of the Laws of 2022.

- The Community Gardens Task Force Members reviewed the proposed resolution to allow remote attendance for extraordinary circumstances.
  - Mark Bordeau, Rural Health Network, made a motion to adopt the resolution.
  - Lewis Clarke, NYS Department of Health seconded.
  - The Community Gardens Task Force approved the resolution in a vote of 24 yeas to 0 nays, by voice vote.

#### 4. Community Gardens Task Force Statute

Annette Nielsen shared the Community Gardens Task Force Statute (Chapter 69, Article 2-C, Section 31-j) and spoke about the requirements stated for the Community Gardens Task Force to deliver a report to the Governor and Legislature by January, 1, 2023.

#### 5. Discussion around Innovative Solutions

Annette Nielsen led the Community Gardens Task Force in a discussion responding to questions to be used to inform development of the report, and the group discussed priorities around these questions to develop the report. This group was moderated by Courtney Bailey and Taylor Goodell.

#### 6. Commissioner Richard Ball adjourned meeting at 4:00 pm.

#### 7. Next meeting date TBD.